



JC07 Rec'd PCT/PTO 15 FEB 2002

(5627\*5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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A. JAMES MIXSON :

SERIAL NO.: 10/018,103 :

ART UNIT: TO BE ASSIGNED

FILED: NOVEMBER 5, 2001 :

EXAMINER: TO BE ASSIGNED

FOR: HISTIDINE COPOLYMER AND :  
METHODS FOR USING SAME

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Assistant Commissioner for Patents  
Washington, DC 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231 ON THIS 5<sup>th</sup> DAY OF February 2002.

BY: Jean M. Marshall

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the duty of disclosure, applicant submits the following information which may be material to the examination of this application.

Attached to this paper is a PTO Form 1449 listing documents to be considered by the Examiner. Copies of the documents cited on the PTO Form 1449 are also enclosed. WO98/22610 is cited in view of figures 4, 5, 6, 8 and 9, which appear to be substantially similar to figures 2, 3, 4, 5 and 8 of Midoux, P *et al.* (*Bioconjugate Chem.*, 10:406 (1999)).

Also enclosed is an International Search Report concerning the corresponding international application.

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It is respectfully requested that the documents cited on the attached Form 1449 be considered and made of record in the above-identified application. It is also respectfully requested that an initialed copy of the attached PTO Form 1449 be returned to applicant.

This statement and the references are submitted prior to the first Office Action on the merits. Therefore, no fee is required under 37 C.F.R. § 1.17(p) and § 1.97(b). In view of the above, applicant believes that the requirements of 37 C.F.R. §1.97(b) have been met and that no additional fees are required for the filing of this paper. However, the Commissioner is hereby authorized to charge any additional amount which may be required by this paper to the Account of the undersigned attorney, Deposit Account No. 03-2775.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By: Gary A. Bridge  
Gary A. Bridge  
Registration No. 44,560  
Telephone: 302/658-9141

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Enclosures: PTO form 1449  
Copies of documents

Sheet 1 of 1

LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. 5627*5	SERIAL NO. 10/018103
	APPLICANT: A. James Mixson	
	FILING DATE: 11/5/01	GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,354,844	11/11/94	Beug et al.			
	AB	5,554,388	9/10/96	Illum			
	AC	5,736,392	4/7/98	Hawley-Nelson et al.			
	AD	5,845,435	1/5/99	Bazile et al.			
	AE	5,985,354	11/16/99	Mathiowitz et al.			
	AF	6,051,429	4/18/00	Hawley-Nelson et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AG	EP 0 727 223 A1	4/6/95	EPO				
	AH	WO 98/22610	5/j22/98	PCT				
	AI	WO 99/42091	8/26/99	PCT				
	AJ	WO 00/32764	6/8/00	PCT				

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AK		Midoux et al., Membrane Permeabilization and Efficient Gene Transfer by a Peptide Containing Several Histidines. <i>Bioconjug Chem</i> 98, 9, 260-267.
	AL		Midoux et al., Efficient Gene Transfer by Histidylated Polylysine/pDNA Complexes. <i>Bioconjugate Chem</i> 1999 May-Jun; 10(3):4-6-411.
	AMI		Chen et al., Co-polymer of histidine and lysine markedly enhances transfection efficiency of liposomes. <i>Gene Ther</i> 2000 Oct; 7(19):1698-1705.
	AN		Chen et al., Branched co-polymers of histidine and lysine are efficient carriers of plasmids. <i>Nucleic Acids Res</i> 2001 Mar 15; 29(6):1334-1340.
	AO		Pichon et al., Histidylated oligolysines increase the transmembrane passage and the biological activity of antisense oligonucleotides. <i>Nucleic Acids Res</i> 2000 Jan 15; 28(2):504-512.
	AP		Putnam et al., Polymer-based gene delivery with low cytotoxicity by a unique balance of side-chain termini. <i>Proc Natl Acad Sci USA</i> Jan 30; 98(3):1200-1205.

EXAMINER	DATE CONSIDERED
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